

# Public Service Commission

Richard E. Hitt, General Counsel



201 Brooks Street, P.O. Box 812  
Charleston, West Virginia 25323

Phone: (304) 340-0317  
FAX: (304) 340-0372

April 20, 1999

Judy Cooper, Director  
Administrative Law Division  
Secretary of State's Office  
Building 1, Suite 157K  
1900 Kanawha Blvd. E.  
Charleston, WV 25305-0771

Re: Cable Television Rules

Dear Judy:

We weren't able to spend a great deal of time making changes to the existing cable television rules. Generally, all references to the Board in the existing rules should be changed to the Public Service Commission. All references to Chapter 5, Article 18, Section 1 et seq. of the West Virginia Code should be changed to West Virginia Code Section 24D-1-1 et seq. I have tried to make all these changes throughout the rules but I may have missed a couple of spots.

After these rules have been revised, I would appreciate a diskette that contains the rules. During the process of reviewing these rules, it is apparent to the Commission that we will need to engage in a fairly comprehensive rulemaking in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Hitt", written over a horizontal line.

Richard E. Hitt  
General Counsel

REH/cbd  
Enclosure  
rickmhc/cooper17.wpd

TITLE 150  
PROCEDURAL RULE  
PUBLIC SERVICE COMMISSION

*March 5, 94*

SERIES 30  
FORM AND SERVICE OF NOTICE UNDER W. VA. CODE §5-18A-8

Ed Note: HB 2453 passed March 13, 1999 and effective June 11, 1999 authorizes the PSC to adopt rules concerning cable television. In §24D-1-23(b) the bill states: "The rules and regulations promulgated by the cable advisory board pursuant to repealed §5-18-1 and in effect on December 31, 1997, shall remain in effect and hereby become the rules and regulations of the commission." This was 187CSR5.

§187-6-1. General.

*24D-1-1 et seq*

1.1. Scope. -- This procedural regulation establishes the form of notice and procedures for the service of notice required under W. Va. Code ~~§5-18A-8~~ whenever a cable operator proposes to install cable television service or facilities upon the property of a landlord.

*24D-1-1 et seq*

1.2. Authority. -- W. Va. Code ~~§§5-18-16(b) and 5-18A-8(e)~~.

1.3. Filing Date. -- June 11, 1999.

1.4. Effective Date. -- June 11, 1999.

§187-6-2. Form of Notice.

*§24D-1-1*

2.1. The notice required under W. Va. Code ~~§5-18A-8~~ when required to be in written form shall contain the following:

2.1.a. The name and address of the landlord;

2.1.b. The name and address of the cable operator;

*24D-2-1 et seq*

2.1.c. A citation to the West Virginia Tenants' Rights to Cable Services Act, W. Va. Code ~~§5-18A-1 et seq.~~ and particularly W. Va. Code ~~§5-18A-8.~~

2.1.d. A description of the facilities and equipment to be installed upon the property; and

2.1.e. A short description of the property upon which the installation is to be made.

2.1.f. The approximate date of installation.

2.2. The requirements of section 2.1. will be deemed to be met when the required notice is in a form in substantial compliance to exhibit A attached hereto.

§187-6-3. Service of Notice.

3.1. Whenever written notice of installation is required to be served on a tenant, landlord, or authorized agent the following shall be deemed to be proof that service of the written notice has been made:

3.1.a. A statement signed by the person upon whom the notice is to be served which indicates the date the notice was served; or

3.1.b. A statement signed by a credible person, over the age of eighteen (18), that the written notice was personally delivered by such person to the person upon whom it is to be served or that person's authorized agent and showing the date service of the notice is accomplished; or

3.1.c. The return receipt of delivery by certified mail showing acceptance by the person upon whom the notice is to be served or that person's authorized agent.

